

**BOARD OF COUNTY COMMISSIONERS  
Agenda Item Summary**

**Meeting Date**      8/18/04

**Division**      **County Attorney**

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**AGENDA ITEM WORDING**

Approval of settlement offer in Monroe County v. Gertrude and Patrick Waters, M8-98-201.

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**ITEM BACKGROUND**

The Waters have offered to settle their \$84,300.00 code enforcement lien for \$2000.00, which represents 2.3% of the amount owed. Mrs. Waters has been suffering from Alzheimer's for several years which may have contributed to the delay in achieving compliance. The County's lien stopped accumulating when the City of Marathon assumed jurisdiction over the property. The City reports that the property has been brought into compliance.

The County Attorney's office has spent 2 hours and incurred costs of \$100 for a title search on this property. The amount of the proposed settlement more than compensates the County for the costs it incurred.

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**PREVIOUS RELEVANT BOCC ACTION**

The Board authorized the County Attorney's office to foreclose on 9/17/04.

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**CONTRACT/AGREEMENT CHANGES – n/a**

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**STAFF RECOMMENDATIONS – Approval.** Due to the circumstances stated above, staff believes this offer is reasonable.

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<b>TOTAL COST</b>	<b>BUDGETED</b>	<b>Yes</b>	<b>No</b>
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<b>COST TO COUNTY</b>	<b>SOURCE OF FUNDS</b>
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**APPROVED BY:**      County Attorney ■      OMB/Purchasing      Risk Management

**DIVISION DIRECTOR APPROVAL:**

 07/30/04  
JOHN R. COLLINS

**DOCUMENTATION:**      Included xx

**AGENDA ITEM #** 03

**BEFORE THE CODE ENFORCEMENT SPECIAL MASTER  
OF MONROE COUNTY, FLORIDA**

**The Honorable J. Jefferson Overby, Presiding**

**MONROE COUNTY, FLORIDA**

**Petitioner,**

**vs.**

**CASE NO.: M8-98-201**

**Patrick Waters and Gertrude Waters,**

**Respondent(s)**

\_\_\_\_\_ /

**SETTLEMENT AGREEMENT**

The Petitioner Board of County Commissioners of Monroe County and Patrick Waters and Gertrude Waters, Respondent(s), hereby agree to settle the code enforcement lien imposed in the above-referenced case by the Special Master against property owned by the Respondent(s) as follows:

1. The parties agree to settle the code enforcement lien for \$2000.00.
2. The property in question has a legal description of Lots 9 & 10, Block 47, Crains Subdivision, Grassy Key, Monroe County, FL (RE: 00372790-000000).
3. Upon approval of this agreement by the Board of County Commissioners, the Respondent(s) shall remit a check in the amount of \$2000.00 made payable to the Board of County Commissioners.
4. Once the aforementioned check has cleared, the County will issue to the Respondent(s) a release and satisfaction of said lien for filing by the Respondent(s) in the Official Records of Monroe County.
5. The County will file a copy of the release and satisfaction in the official Code Enforcement file.
6. By entering into this agreement, the each party agrees to waive any and all claims that it could have raised and/or potential claims that it might have

been able to raise as a result of the above-captioned code enforcement case.

7. Both parties warrant that they have had an opportunity to consult with counsel before entering into this agreement.
8. Each party agrees to bear its own costs and attorney's fees other than as specified in this agreement.

(SEAL)

Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk  
Dated \_\_\_\_\_

By \_\_\_\_\_  
Mayor/Chairperson

**Gertrude Waters, Respondent**

\_\_\_\_\_  
Notary Public

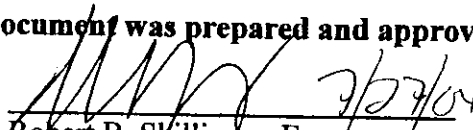
By: \_\_\_\_\_  
(date)

**Patrick Waters, Respondent**

\_\_\_\_\_  
Notary Public

By: \_\_\_\_\_  
(date)

**This document was prepared and approved for legal sufficiency by:**

  
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